

**Judge Hellerstein**

**08 CIV 5474**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE WORLD TRADE CENTER SITE LITIGATION

-----X  
DOUGLAS CANDELLA AND OLGA CANDELLA,

Plaintiffs,

-against-

THE CITY OF NEW YORK, and  
AMEC CONSTRUCTION MANAGEMENT, INC., *et al.*,

Defendants.  
-----X

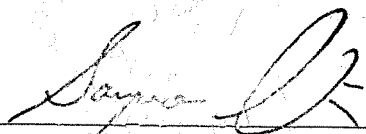
YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and serve upon:

Plaintiffs' Attorney: Sullivan Papain Block McGrath & Cannavo P.C.  
120 Broadway, 18<sup>th</sup> Floor  
New York, New York 10271  
212/732.9000

an Answer to the Complaint that is herein served upon you, within 20 days after service of this Summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Complaint.

**J. MICHAEL McMAHON**

Clerk



By: Deputy Clerk

**JUN 17 2008**

Date

Date

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TO:

AMEC CONSTRUCTION  
MANAGEMENT, INC. and other AMEC entities  
c/o Tara Saybe  
Patton Boggs LLP  
1 Riverfront Plaza, 6th Floor  
Newark, NJ 07102

BOVIS LEND LEASE, LMB, INC.  
and other BOVIS entities  
c/o Mound Cotton Wollan & Greengrass  
Mark J. Weber, Esq.  
One Battery Park Plaza  
New York, NY 10004-1486

TULLY CONSTRUCTION CO., INC.  
and other TULLY entities  
c/o Tara Saybe  
Patton Boggs LLP  
1 Riverfront Plaza, 6th Floor  
Newark, NJ 07102

TURNER CONSTRUCTION  
COMPANY and other  
TURNER entities  
c/o London Fisher LLP  
Attn: John Starling, Esq.  
59 Maiden Lane  
New York, NY 10038

CITY OF NEW YORK  
By: Corporation Counsel  
100 Church Street  
New York, New York 10007

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE WORLD TRADE CENTER  
DISASTER SITE LITIGATION

DOUGLAS CANDELLA, JR. AND OLGA  
CANDELLA,

Plaintiffs,

- against -

THE CITY OF NEW YORK, AND AMEC  
CONSTRUCTION MANAGEMENT, INC., *et al.*,

Defendants.

21 MC 100 (AKH)

DOCKET NO.

CHECK-OFF ("SHORT FORM")  
COMPLAINT  
RELATED TO THE  
MASTER COMPLAINT

PLAINTIFF DEMANDS A TRIAL BY  
JURY

By Order of the Honorable Alvin K. Hellerstein, United States District Judge, dated June 22, 2006, ("the Order"), Master Complaints for all Plaintiffs were filed on August 18, 2006.

NOTICE OF ADOPTION

All headings and paragraphs in the Master Complaints are applicable to and are adopted by the instant Plaintiff(s) as if fully set forth herein in addition to those paragraphs specific to the individual Plaintiff(s), which are listed below. These are marked with an "☑" if applicable to the instant Plaintiff(s), and specific case information is set forth, as needed, below.

Plaintiff, by his attorneys SULLIVAN PAPAIN BLOCK MCGRATH & CANNAVO, P.C. complaining of Defendants, respectfully alleges:

**I. PARTIES**

**PLAINTIFF(S)**

1. ☒ Plaintiff DOUGLAS CANDELLA, JR., (hereinafter the "Injured Plaintiff"), is an individual and a citizen of New York residing at 28 Maiden Lane, Staten Island, New York 10307.
2. Alternatively, ☐ \_\_\_\_\_ is the \_\_\_\_\_ of Decedent \_\_\_\_\_, and brings this claim in his (her) capacity as of the Estate of \_\_\_\_\_.
3. ☒ Plaintiff, OLGA CANDELLA (hereinafter the "Derivative Plaintiff"), is an individual and a citizen of New York residing at 28 Maiden Lane, Staten Island, New York 10307, and has the following relationship to the Injured Plaintiff:

☒ Plaintiff OLGA CANDELLA at all relevant times herein, is and has been lawfully married to Plaintiff DOUGLAS CANDELLA, and brings this derivative action for her loss due to the injuries sustained by her husband, Plaintiff DOUGLAS CANDELLA.

☐ Parent ☐ Child ☐ Other: \_\_\_\_\_

4. In the period from September 11, 2001 through the end of September 2001, and thereafter, including October 2001, November 2001 and December 2001, as well as days in January 2002 and May 2002, the injured Plaintiff worked for the New York City Fire Department as a firefighter at:

*Please be as specific as possible when filling in the following dates and locations*

☒ The World Trade Center Site

Location(s) (i.e., building, quadrant, etc.) throughout the four quadrants.

From September 11, 2001 through the end of September 2001 For many of these days, the Plaintiff worked 24 hour shifts. For the other days, the Plaintiff worked at least 12 hour shifts. Plaintiff approximates that he worked at least 11 days in September 2001. In October, November, and December 2001, the Plaintiff worked at least 25 days, often working 12 hour shifts. Plaintiff also worked at the WTC Site in January 2002 and May 2002. The injured plaintiff last worked at the World Trade Center Site in May 2002.

☐ The New York City Medical Examiner's Office

From on or about \_\_\_\_\_ until \_\_\_\_\_;  
Approximately \_\_\_\_\_ hours per day; for  
Approximately \_\_\_\_\_ days total.

☐ The Fresh Kills Landfill

From on or about \_\_\_\_\_ until \_\_\_\_\_;  
Approximately \_\_\_\_\_ hours per day; for  
Approximately \_\_\_\_\_ days total.

☐ The Barge

From on or about \_\_\_\_\_ until \_\_\_\_\_;  
Approximately \_\_\_\_\_ hours per day; for  
Approximately \_\_\_\_\_ days total.

☐ **Other:\*** For injured plaintiffs who worked at Non-WTC Site building or location. The injured plaintiff worked at the address/location, for the dates alleged, for the hours per day, for the total days, and for the employer, as specified below:

From on or about \_\_\_\_\_ until \_\_\_\_\_;  
Approximately \_\_\_\_\_ hours per day; for  
Approximately \_\_\_\_\_ days total;  
Name and Address of Non-WTC Site  
Building/Worksite: \_\_\_\_\_

\*Continue this information on a separate sheet of paper if necessary. If more space is needed to specify "Other" locations, please annex a separate sheet of paper with the information.

5. Injured Plaintiff

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☒ Was exposed to and breathed noxious fumes on all dates, at the site(s) indicated above;

☒ Was exposed to and inhaled or ingested toxic substances and particulates on all dates at the site(s) indicated above;

☒ Was exposed to and absorbed or touched toxic or caustic substances on all dates at the site(s) indicated above;

☐ Other: \_\_\_\_\_

6. Injured Plaintiff

☒ Has not made a claim to the Victim Compensation Fund. Pursuant to §405(c)(3)(B)(i) of the Air Transportation Safety and System Stabilization Act, 49 U.S.C. § 40101, the issue of waiver is inapplicable.

☐ Made a claim to the Victim Compensation Fund that was denied. Pursuant to § 405(c)(3)(B)(i) of the Air Transportation Safety and System Stabilization Act, 49 U.S.C. § 40101, the issue of waiver is inapplicable.

☐ Made a claim to the Victim Compensation Fund, that was subsequently withdrawn by Ground-Zero Plaintiff. Pursuant to § 405(c)(3)(B)(i) of the Air Transportation Safety and System Stabilization Act, 49 U.S.C. § 40101, the issue of waiver is inapplicable.

☐ Made a claim to the Victim Compensation Fund that was granted. Pursuant to § 405(c)(3)(B)(i) of the Air Transportation Safety and System Stabilization Act, 49 U.S.C. § 40101, Ground Zero-Plaintiff has waived her/his right(s) to pursue any further legal action for the injuries identified in said claim.

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**B. DEFENDANT(S)**

7. The following is a list of all Defendant(s) named in the Master Complaint. If checked, all paragraphs pertaining to that Defendant are deemed pleaded herein.

**X THE CITY OF NEW YORK**

X A Notice of Claim was timely filed and served on May 14, 2007 and an Amended Notice of Claim was served on December 11, 2007.

☐ pursuant to General Municipal Law §50-h the CITY held a hearing on \_\_\_\_\_ (OR)

X The City has yet to hold a hearing as required by General Municipal Law §50-h

X More than thirty days have passed and the City has not adjusted the claim  
(OR)

☐ A Petition/application to

☐ deem Plaintiff's (Plaintiffs') Notice of Claim timely filed, or in the alternative to grant Plaintiff(s) leave to file a late Notice of Claim *Nunc Pro Tunc* (for leave to file a late Notice of Claim *Nunc Pro Tunc*) has been filed and a determination

☐ is pending

☐ Granting petition was made on \_\_\_\_\_

☐ Denying petition was made on \_\_\_\_\_

**PORT AUTHORITY OF NEW YORK AND NEW JERSEY ["PORT AUTHORITY"]**

☐ A Notice of Claim was filed and served pursuant to Chapter 179, §7 of The Unconsolidated Laws of the State of New York on

☐ More than sixty days have elapsed since the Notice of Claim was filed, (and)

☐ the PORT AUTHORITY has adjusted this claim

☐ the PORT AUTHORITY has not adjusted this claim.

☐ 1 WORLD TRADE CENTER, LLC

☐ 1 WTC HOLDINGS, LLC

☐ 2 WORLD TRADE CENTER, LLC

☐ 2 WTC HOLDINGS, LLC

☐ 4 WORLD TRADE CENTER, LLC

☐ 4 WTC HOLDINGS, LLC

☐ 5 WORLD TRADE CENTER, LLC

☐ 5 WTC HOLDINGS, LLC

X AMEC CONSTRUCTION MANAGEMENT, INC.

☐ 7 WORLD TRADE COMPANY, L.P.

☐ A RUSSO WRECKING

☐ ABM INDUSTRIES, INC.

☐ ABM JANITORIAL NORTHEAST, INC.

X AMEC EARTH & ENVIRONMENTAL, INC.

☐ DOUGLAS CORTESE SPECIALIZED HAULING, LLC, INC.

☐ ATLANTIC HEYDT CORP

☐ BECHTEL ASSOCIATES PROFESSIONAL CORPORATION

☐ BECHTEL CONSTRUCTION, INC.

☐ BECHTEL CORPORATION

☐ BECHTEL ENVIRONMENTAL, INC.

☐ BERKEL & COMPANY, CONTRACTORS, INC.

☐ BIG APPLE WRECKING & CONSTRUCTION CORP

X BOVIS LEND LEASE, INC.

~~X~~ BOVIS LEND LEASE LMB, INC.

☐ BREEZE CARTING CORP

☐ BREEZE NATIONAL, INC.

☐ BRER-FOUR TRANSPORTATION CORP.

☐ BURO HAPPOLD CONSULTING ENGINEERS, P.C.

☐ C.B. CONTRACTING CORP

☐ CANRON CONSTRUCTION CORP

☐ CANTOR SEINUK GROUP

☐ CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

☐ CORD CONTRACTING CO., INC

☐ CRAIG TEST BORING COMPANY INC.

☐ DAKOTA DEMO-TECH

☐ DIAMOND POINT EXCAVATING CORP

☐ DIEGO CONSTRUCTION, INC.

☐ DIVERSIFIED CARTING, INC.

☐ DMT ENTERPRISE, INC.

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- |   |   |
|---|---|
| <ul style="list-style-type: none"> <li><input type="checkbox"/> D'ONOFRIO GENERAL CONTRACTORS CORP</li> <li><input type="checkbox"/> EAGLE LEASING &amp; INDUSTRIAL SUPPLY</li> <li><input type="checkbox"/> EAGLE ONE ROOFING CONTRACTORS INC.</li> <li><input type="checkbox"/> EAGLE SCAFFOLDING CO</li> <li><input type="checkbox"/> EJ DAVIES, INC.</li> <li><input type="checkbox"/> EN-TECH CORP</li> <li><input type="checkbox"/> ET ENVIRONMENTAL</li> <li><input type="checkbox"/> EVERGREEN RECYCLING OF CORONA</li> <li><input type="checkbox"/> EWELL W. FINLEY, P.C.</li> <li><input type="checkbox"/> EXECUTIVE MEDICAL SERVICES, P.C.</li> <li><input type="checkbox"/> F&amp;G MECHANICAL, INC.</li> <li><input type="checkbox"/> FLEET TRUCKING, INC.</li> <li><input type="checkbox"/> FRANCIS A. LEE COMPANY, A CORPORATION</li> <li><input type="checkbox"/> FTI TRUCKING</li> <li><input type="checkbox"/> GILSANZ MURRAY STEFICEK, LLP</li> <li><input type="checkbox"/> GOLDSTEIN ASSOCIATES CONSULTING ENGINEERS, PLLC</li> <li><input type="checkbox"/> HALLEN WELDING SERVICE, INC.</li> <li><input type="checkbox"/> H.P. ENVIRONMENTAL</li> <li><input type="checkbox"/> KOCH SKANSKA INC.</li> <li><input type="checkbox"/> LAQUILA CONSTRUCTION INC</li> <li><input type="checkbox"/> LASTRADA GENERAL CONTRACTING CORP</li> <li><input type="checkbox"/> LESLIE E. ROBERTSON ASSOCIATES CONSULTING ENGINEER P.C.</li> </ul> | <ul style="list-style-type: none"> <li><input type="checkbox"/> PLAZA CONSTRUCTION CORP.</li> <li><input type="checkbox"/> PLAZA CONSTRUCTION MANAGEMENT CORP.</li> <li><input type="checkbox"/> PRO SAFETY SERVICES, LLC</li> <li><input type="checkbox"/> PT &amp; L CONTRACTING CORP</li> <li><input type="checkbox"/> REGIONAL SCAFFOLD &amp; HOISTING CO, INC.</li> <li><input type="checkbox"/> ROBER SILMAN ASSOCIATES</li> <li><input type="checkbox"/> ROBERT L GEROSA, INC</li> <li><input type="checkbox"/> RODAR ENTERPRISES, INC.</li> <li><input type="checkbox"/> ROYAL GM INC.</li> <li><input type="checkbox"/> SAB TRUCKING INC.</li> <li><input type="checkbox"/> SAFEWAY ENVIRONMENTAL CORP</li> <li><input type="checkbox"/> SEASONS INDUSTRIAL CONTRACTING</li> <li><input type="checkbox"/> SEMCOR EQUIPMENT &amp; MANUFACTURING CORP.</li> <li><input type="checkbox"/> SILVERITE CONTRACTORS</li> <li><input type="checkbox"/> SILVERSTEIN PROPERTIES</li> <li><input type="checkbox"/> SILVERSTEIN PROPERTIES, INC.</li> <li><input type="checkbox"/> SILVERSTEIN WTC FACILITY MANAGER, LLC</li> <li><input type="checkbox"/> SILVERSTEIN WTC, LLC</li> <li><input type="checkbox"/> SILVERSTEIN WTC MANAGEMENT CO., LLC</li> <li><input type="checkbox"/> SILVERSTEIN WTC PROPERTIES, LLC</li> <li><input type="checkbox"/> SILVERSTEIN DEVELOPMENT CORP.</li> </ul> |
| <ul style="list-style-type: none"> <li><input type="checkbox"/> LIBERTY MUTUAL GROUP</li> <li><input type="checkbox"/> LOCKWOOD KESSLER &amp; BARTLETT, INC.</li> <li><input type="checkbox"/> LUCIUS PITKIN, INC</li> <li><input type="checkbox"/> LZA TECH-DIV OF THORTON TOMASETTI</li> <li><input type="checkbox"/> MANAFORT BROTHERS, INC.</li> <li><input type="checkbox"/> MAZZOCCHI WRECKING, INC.</li> <li><input type="checkbox"/> MERIDIAN CONSTRUCTION CORP.</li> <li><input type="checkbox"/> MORETRENCH AMERICAN CORP.</li> <li><input type="checkbox"/> MRA ENGINEERING P.C.</li> <li><input type="checkbox"/> MUESER RUTLEDGE CONSULTING ENGINEERS</li> <li><input type="checkbox"/> NACIREMA INDUSTRIES INCORPORATED</li> <li><input type="checkbox"/> NEW YORK CRANE &amp; EQUIPMENT CORP.</li> <li><input type="checkbox"/> NICHOLSON CONSTRUCTION COMPANY</li> <li><input type="checkbox"/> OLYMPIC PLUMBING &amp; HEATING</li> <li><input type="checkbox"/> PETER SCALAMANDRE &amp; SONS, INC.</li> <li><input type="checkbox"/> PINNACLE ENVIRONMENTAL CORP</li> </ul>  | <ul style="list-style-type: none"> <li><input type="checkbox"/> SILVERSTEIN WTC PROPERTIES LLC</li> <li><input type="checkbox"/> SIMPSON GUMPERTZ &amp; HEGER INC</li> <li><input type="checkbox"/> SKIDMORE OWINGS &amp; MERRILL LLP</li> <li><input type="checkbox"/> SURVIVAIR</li> <li><input type="checkbox"/> TISHMAN INTERIORS CORPORATION,</li> <li><input type="checkbox"/> TISHMAN SPEYER PROPERTIES,</li> <li><input type="checkbox"/> TISHMAN CONSTRUCTION CORPORATION OF MANHATTAN</li> <li><input type="checkbox"/> TISHMAN CONSTRUCTION CORPORATION OF NEW YORK</li> <li><input type="checkbox"/> THORNTON-TOMASETTI GROUP, INC.</li> <li><input type="checkbox"/> TORRETTA TRUCKING, INC</li> <li><input type="checkbox"/> TOTAL SAFETY CONSULTING, L.L.C</li> <li><input type="checkbox"/> TUCCI EQUIPMENT RENTAL CORP</li> <li><input checked="" type="checkbox"/> TULLY CONSTRUCTION CO., INC.</li> <li><input checked="" type="checkbox"/> TULLY ENVIRONMENTAL INC.</li> <li><input checked="" type="checkbox"/> TULLY INDUSTRIES, INC.</li> </ul>  |

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☒ TURNER CONSTRUCTION CO.  
☒ TURNER CONSTRUCTION COMPANY  
☒ TURNER CONSTRUCTION INTERNATIONAL, LLC  
☐ TURNER/PLAZA, A JOINT VENTURE  
☐ ULTIMATE DEMOLITIONS/CS HAULING  
☐ VERIZON NEW YORK INC,  
☐ VOLLMER ASSOCIATES LLP  
☐ W HARRIS & SONS INC  
☐ WEEKS MARINE, INC.

☐ ZIEGE  
☐ OTHER: \_\_\_\_\_

☐ WEIDLINGER ASSOCIATES, CONSULTING ENGINEERS, P.C.  
☐ WHITNEY CONTRACTING INC.  
☐ WOLKOW-BRAKER ROOFING CORP  
☐ WORLD TRADE CENTER PROPERTIES, LLC  
☐ WSP CANTOR SEINUK  
☐ YANNUZZI & SONS INC  
☐ YONKERS CONTRACTING COMPANY, INC.  
☐ YORK HUNTER CONSTRUCTION, LLC

☐ Non-WTC Site Building Owner  
 Name: \_\_\_\_\_  
 Business/Service Address: \_\_\_\_\_  
 Building/Worksite Address: \_\_\_\_\_

☐ Non-WTC Site Lessee  
 Name: \_\_\_\_\_  
 Business/Service Address: \_\_\_\_\_  
 Building/Worksite Address: \_\_\_\_\_

☐ Non-WTC Site Building Managing Agent  
 Name: \_\_\_\_\_  
 Business/Service Address: \_\_\_\_\_  
 Building/Worksite Address: \_\_\_\_\_

## II. JURISDICTION

8. The Court's jurisdiction over the subject matter of this action is:

☒ Founded upon Federal Question Jurisdiction; specifically; ☒ Air Transport Safety & System Stabilization Act of 2001.

## III CAUSES OF ACTION

Plaintiff(s) seeks damages against the above named defendants based upon the following theories of liability, and asserts each element necessary to establish such a claim under the applicable substantive law:

<input checked="" type="checkbox"/>	Breach of the defendants' duties and obligations pursuant to the New York State Labor Law(s) including §§ 200 and 240	<input checked="" type="checkbox"/>	Common Law Negligence, including allegations of Fraud and Misrepresentation
<input checked="" type="checkbox"/>	Breach of the defendants' duties and obligations pursuant to the New York State Labor Law 241(6)	<input checked="" type="checkbox"/>	Air Quality; Effectiveness of Mask Provided; Effectiveness of Other Safety Equipment Provided

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<input checked="" type="checkbox"/>	Pursuant to New York General Municipal Law §205-a		(specify: _____); <input type="checkbox"/> Other(specify):
<input type="checkbox"/>	Pursuant to New York General Municipal Law §205-e	<input type="checkbox"/>	Wrongful Death
		<input checked="" type="checkbox"/>	Loss of Services/Loss of Consortium for Derivative Plaintiff
		<input type="checkbox"/>	Other: _____

#### IV CAUSATION, INJURY AND DAMAGE

9. As a direct and proximate result of defendant's culpable actions in the rescue and/or recovery and/or construction, renovation, alteration, demolition and all work performed at the premises, the Injured Plaintiff sustained (including, but not limited to) the following injuries:

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<input type="checkbox"/>	Cancer Injury: Date of onset: Date physician first connected this injury to WTC work:	<input type="checkbox"/>	Cardiovascular Injury: Date of onset: _____ Date physician first connected this injury to WTC work: _____
<input type="checkbox"/>	Respiratory Injury: Date of onset: Date physician first connected this injury to WTC work:	<input type="checkbox"/>	Fear of Cancer Date of onset: _____ Date physician first connected this injury to WTC work: _____
<input checked="" type="checkbox"/>	<b>Digestive Injury:</b> Gastroesophageal reflux. <b>Date of onset:</b> In the beginning of October 2007, the Injured Plaintiff was determined to be suffering from gastroesophageal reflux during a routine FDNY physical examination. He has since been prescribed medications for treatment of this condition. <b>Date physician first connected this injury to WTC work:</b> October 2007.	<input checked="" type="checkbox"/>	<b>Other Injury:</b> Thyroid nodules; thyroiditis <b>Date of onset:</b> on or about April 20, 2007, Injured Plaintiff received an MRI for an orthopedic injury and/or neurological injury he sustained to his neck. The MRI was interpreted to demonstrate abnormal changes in his thyroid. Subsequently, on or about May 4, 2007, a thyroid ultrasound demonstrated the presence of numerous nodules in his thyroid, suggestive of thyroiditis and/or adenoma. <b>Date physician first connected this injury to WTC work:</b> May 2007 and thereafter.

*NOTE: The foregoing is NOT an exhaustive list of injuries that may be alleged.*

10. As a direct and proximate result of the injuries identified in paragraph "1", above, the Ground Zero-Plaintiff has in the past suffered and/or will in the future suffer the following compensable damages:

<input checked="" type="checkbox"/> Pain and suffering	<input checked="" type="checkbox"/> Expenses for medical care, treatment, and rehabilitation
<input checked="" type="checkbox"/> Loss of the enjoyment of life	<input checked="" type="checkbox"/> Other:
<input checked="" type="checkbox"/> Loss of earnings and/or impairment of earning capacity	<input checked="" type="checkbox"/> Mental anguish
<input checked="" type="checkbox"/> Loss of retirement benefits/diminution of retirement benefits	<input checked="" type="checkbox"/> Disability
	<input type="checkbox"/> Medical monitoring
	<input type="checkbox"/> Other: _____

11. As a direct and proximate result of the injuries described *supra*, the derivative plaintiff(s), if any, have in the past suffered and/or will in the future suffer a loss of the love, society,

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companionship, services, affection, and support of the plaintiff and such other losses, injuries and damages for which compensation is legally appropriate.

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**WHEREFORE**, plaintiff(s) respectfully pray that the Court enter judgment in his/her/their favor and against defendant(s) for damages, costs of suit and such other, further and different relief as may be just and appropriate.

**Plaintiffs demand that all issues of fact in this case be tried before a properly empanelled jury.**

Dated: New York, New York  
June 16, 2008

Yours, etc.

SULLIVAN PAPAIN BLOCK  
MCGRATH & CANNAVO P.C.  
Attorneys for Plaintiff

BY: 

Andrew J. Carboy (AC 2147)

120 Broadway - 18th Floor  
New York, New York 10271  
Tel: (212) 732-9000

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